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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/815,854

03/23/2001

Wolfgang Fleischer

3-31-4

5816

7590

05/19/2004

Docket Administrator (Room 3C-512)

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EXAMINER

PHU, SANH D

ART UNIT

PAPER NUMBER

2682

8

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,854

Applicant(s)

FLEISCHER ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the amendment filed on 4/20/2004.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 3–5, 7–14 are rejected under 35 U.S.C 102(e) as being anticipated by Chern et al (US2003/0060211).

Regarding to claim 1, Chern disclose (see Fig. 2, 3, 8, 11, 12, 14) a method for identifying a provider of a service to a wireless terminal (130) in a wireless telecommunication network (140), comprising the steps of:

Step (202, 204, 212, 214) for receiving a request to select a provider of a specific service from the wireless terminal (see Fig. 3, section [0049]–[0055]);

Step (222)(see Fig.3) for monitoring the wireless terminal location, wherein monitoring includes requesting wireless terminal location updates events from a wireless network mobile location server and monitoring said update events as they are received (see [0052] and [0054]);

Step (620,622,624)(Fig. 9, 10, 12) for using the wireless terminal location to locate providers of the specific service requested which are proximate to the wireless terminal location (see section [0062], [0063]–[0066], [0071]–[0073], [0075]–[0080]);

Step (630, 660, 690) for selecting one of the providers located (see section [0062], [0063]–[0066], [0071]–[0073], [0075]–[0080]);

Step (646,670,708) for obtaining an identifier of the provider selected (see section [0062], [0063]–[0066], [0071]–[0073], [0075]–[0080]); and

Step (648,672,710) for sending the identifier of the provider selected to the wireless terminal (see section [0062], [0063]–[0066], [0071]–[0073], [0075]–[0080]).

Regarding to claim 3, Chern discloses that the identifier is a name and address (see section [0045]–[0046]).

Regarding to claim 4, Chern disclose the provider of the service selected comprises non-product information (businesses or services) (see section [0045]–[0046] and [0053]).

Regarding to claim 5, Chern disclose that the provider of the service selected is determined by the location of the provider relative to the location of the wireless terminal (see section [0045]–[0046]).

Regarding to claim 7, Chern disclose (see Fig. 6) that the monitoring step (752) includes determining whether a change in location of the wireless terminal exceeds a location area size threshold (see Fig. 6, section [0088]–[0090] and section [0054]).

Regarding to claim 8, Chern disclose that the location area threshold is based on the area served by the base station serving the wireless terminal (see section [0054] and section [0088]–[0090]).

Regarding to claim 9, Chern disclose that step of locating providers of the service requested includes consulting a database containing location-specific service provider information (see section [0052]–[0054]).

Regarding to claim 10. Chern disclose that the step of locating providers of the service requested further includes consulting a service provider profile database to identify the category of service specified by the wireless terminal user (see section [0051]–[0054]).

Regarding to claim 11, Chern disclose that the step of sending the identifier of the provider selected includes sending the identifier to the wireless terminal as an electronic document (sent by server 136 over network 140 visually or audibly) (see section [0051]–[0054])).

Regarding to claim 12, Chern disclose further including displaying the identifier of the provider selected on a text-based (ASCII) or graphical display screen (see section [0089]).

Regarding to claim 13, Chern disclose further comprising the step of refreshing (data is listed as fresh if it is less than ten second) the identifier sent to the wireless terminal (see section [0089]).

Regarding to claim 14, Chern disclose that the step of refreshing the identifier is initiated by the mobile user from the wireless terminal (see section [0089]).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US2003/0060211) in view of Murray (US2002/0068583).

Regarding to claim 2, Chern disclose that the identifier of the provider includes all relevant information about the provider (see section [0045]).

Chren does not disclose whether the identifier includes a contact phone's number of the service provider.

However, Murray teaches (see Fig. 10) providing users the contact's phone number of service provider for contacting.

At the time of the invention was made, It would have been obvious for a person who skilled in the art to modify Chern's invention, as taught by Murray, to include a contact's phone number in the identifier of the provider in order to assist the user able to contact the service provider when it is necessary.

Response to Atguments

4. Applicant's argument filed on 4/20/2004 has been considered. However, they are not persuasive.

The applicant mainly argues that Chern et al does not teach or disclose limitation "monitoring includes requesting wireless terminal location updates events from a wireless network mobile location server and monitoring said update events as they are received".

The examiner respectfully disagrees. See Fig. 3, section [[0052], [0054], Chern et al disclose steps (222) (see Fig. 3) for "monitoring includes requesting wireless terminal location updates events from a wireless network mobile location server and monitoring said update events as they are received". Chern et al teaches that Server (136) actively requests a position update events from

the wireless terminal (130) and monitors the position update events as they are received (see section [0054]).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

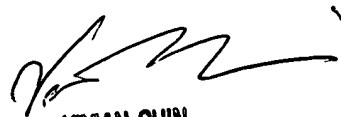
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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